

The Bosnian Refugee Crisis

A Comparative Study of German and Austrian Reactions and Responses

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Often labeled as the most deadly crisis in Europe since WWII, the Yugoslav Wars (1991-2002) were a series of ethnic conflicts that facilitated the collapse of the fragile Yugoslav federation created under the Soviet model in 1946. One of these conflicts, the Bosnian War (1992-1995), was described by US assistant Secretary of State Richard Holbrooke as, "The greatest failure of the West since the 1930s." (Lamb, 2005) During the conflict in which Bosnian Serbs waged an aggressive campaign of ethnic cleansing targeting Muslim (Bosniak) and Croat populations, many of the estimated 1.4 million Bosnian refugees fled to other former Yugoslav republics, where they were subsequently subjected to more ethnic conflict and violence. (Ministry of Interior of the Republic of Slovenia, 2007) An estimated 650,000 refugees were able to reach European countries beyond the former Yugoslavia and became the first group to acquire "temporary protection" in EU states as well as in states preparing to join the EU, such as Austria which acceded in 1995. (Valenta, 2011, 2) Germany accepted the most refugees out of any

European country at 320,000, while Austria admitted the second highest amongst all non-Yugoslavian European countries at 86,500. (Valenta, 2011, 4) The Yugoslav wars, and especially the Bosnian conflict, forced European states confronted with the largest refugee crisis since WWII, to revise their asylum policies, specify their vague regulations on refugees, and attempt to develop a unified policy in response to the pressing issue.

A study of the response of the two aforementioned host countries strongly affected by the Bosnian crisis will help to explain integration prospects and realities of the Bosnian refugee communities in both countries. On a larger scale, it will illuminate the policy decisions of Germany, Austria, and the EU as a whole regarding the current Syrian refugee crisis. This case will also serve as a means of understanding the responsibility liberal democratic states have vis-à-vis refugees and the means by which states are able to balance the needs and expectations of its citizens and refugees. (Gibney, 1999, 175)

Explaining the Case Studies

While Germany and Austria took in the most refugees in proportion to their populations, they both initially had fierce anti-immigration policies and no intention to provide immediate permanent residency or resettlement programs. However, Germany was able to repatriate around 75% of Bosnian refugees by 2005, while Austria only repatriated less than 10%. (Valenta, 2011, 4) This study thus seeks to explain why the migration policies of Germany and Austria, which were initially aligned in their anti-immigration goals at the begin-

ning of the Bosnian crisis, diverged by the end.

This study analyzes Germany and Austria because they are historically and linguistically linked and share similar culturally conservative values on the topic of immigration. They also both have comparable waves of post-war migration, especially with regards to the large Turkish migrant communities and smaller Bosnian economic migrant groups initially permitted to enter as "guest workers" until the mid-1970s. (Kraler, 2011, 21-22) At the

time of the crisis, both German and Austrian citizenship were based heavily on *jus sanguinis*, which negatively impacted access to citizenship for Bosnian migrant populations. (Brubaker, 1992, 52) While both countries witnessed a large growth in foreign-born populations in the post-war era and an increase in asylum applications in the late 1980s and early 1990s, they were reluctant to label their respective countries as immigration states. (Jandl & Kraler, 2003) These similarities only serve to further highlight the paradoxical gaps between both countries' policy intentions and realities.

Germany and Austria are both federalist republics comprised of sixteen and nine states (*länder*), respectively and share similar Parliamentary political systems. Additionally, Austria traditionally has right-wing populist-party representation in Parliament (The Freedom Party or FPÖ), whereas the German equivalent (pro-Deutschland) has never been able to enter the German parliament due to the

stigma of the Nazi-era politics. This adds another layer of intrigue to the puzzle, as Austria would be expected to have implemented more anti-immigration legislation with such a right-wing force in Parliament. While these two states are generally comparable, it is also important to note several distinctions that could assist in understanding policy divergences. Germany is a much larger and more densely populated country than Austria (at the time of the crisis, Germany's population averaged around 80 million, while Austria's was slightly under 8 million). It also wields a greater political and economic clout on the continent, which influenced the degree of autonomy it had with respect to its policy development and implementation. Another distinction from Austria is that in the 1990s, Germany was struggling with the social, political, and economic effects of reunification in addition to the mass influx of Yugoslavian refugees. The compounded effects of these challenges in Germany will be further analyzed in relation to the development of Bosnian refugee policies.

Methodology

On a theoretical level, this study aims to understand the initial large influxes of refugees in both countries by using three theoretical models (impartialist, partialist, humanitarianist) to explain these states' responses to Bosnian refugees. (Singer, 1972; Walzer, 1983; Gibney, 1999) The study also examines the influence of far-right parties and pro-migrant interest groups in determining state policy towards refugees and citizenship in order to explain the divergence in German and Austrian policies. On an empirical level, UNHCR data will provide a background on the refugee statistics in both countries and their demographic concentrations throughout the two countries. This study also employs academic sources on the historical development of asylum policies in Germany and Austria and analyzes news coverage and political debates in order to trace the path of asylum and refugee policy con-

vergence and divergence in Germany and Austria. Particular attention is paid to international press coverage of the crisis, namely from the New York Times, the Los Angeles Times, and Radio Free Europe.

The following analysis first situates Germany and Austria's specific policies in the general European context of refugee policy development during the post-war years leading up to the Yugoslavian crisis in 1991. Then, the stated objectives and policy implementations of Germany and Austria's "temporary protection" programs for Bosnians are analyzed in the context of both countries' decision making bodies and relevant interest groups that affected the course of domestic politics. Finally, broader implications of Germany and Austria's policies are highlighted in order to illuminate Europe's current approach towards the Syrian crisis.

Historical Development of Post-War Europe Refugee Policies

Article 14 of the Universal Declaration of Human Rights, adopted by the United Nations in 1948, states that "everyone has the right to seek and enjoy in other countries asylum from persecution." (United Nations, 1948) While this was the first international recognition of asylum as a human right, the duty of states granting asylum remained ambiguous. The 1951 Geneva Convention Relating to the Status of Refugees developed an official definition of a refugee and outlined, albeit in vague terms, state obligations to refugees. The subsequent 1967 Protocol increased the scope of the 1951 convention (initially designed to protect post-war European refugees) by universalizing its applicability. The agreed upon message was that states are legally obliged to offer asylum to those who have a "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion." (United Nations, 2010) States are thus still under no duty to grant asylum, but are obligated to admit refugees as temporary residents. (Koser & Black, 1999, 524) While there are no clearly delineated obligations by which states must abide, besides the principle of non-refoulement, permanent residence has been the traditional right accorded to refugees in Europe. (Koser & Black, 1999, 524)

During the first stage of the Bosnian crisis in 1992, both Germany and Austria rejected many asylum applications of Bosnian refugees through their own legal interpretations of the 1951 refugee definition. The German Ministry of Interior (which handles asylum applications) insisted that government persecution was the only valid claim to international protection. (United Nations High Commissioner for Refugees, 1993, 2) Austrian officials of the Bundesasylamt (Federal Asylum Office) similarly argued that if the applicants could not demonstrate fear of individual persecution at the hands of the state, then fleeing general violence perpe-

trated by private groups would not constitute asylum. (Franz, 2010, 33-34) By the time of the Bosnian crisis, Germany, Austria, and their Western European neighbors had come to narrowly define what constituted a refugee and tightened their asylum laws. This was due to unprecedented increases in asylum applications from individuals and groups arriving from outside of Europe starting in the 1980s. Many cases of fraudulent asylum were widely reported regarding individuals using asylum as a means of fleeing North-South economic disparities. (Koser & Black, 1999, 525) In relative terms, during the 1970s, asylum applications averaged at 30,000 per year, while in the 1980s, they increased tenfold to 300,000 per year and more than doubled to 680,000 by 1992. (United Nations High Commissioner for Refugees, 1993, 3) Germany bore the majority of applications as the amount of asylum claims spiked from 121,000 in 1989 to 438,000 in 1992. (United Nations High Commissioner for Refugees, 1993, 4) Additionally, following the collapse of the Soviet Union and German reunification in 1990, what was formerly West Germany became an economic and political magnet for ethnic Germans and migrants from the former Soviet block. (Woodward, 1995, 368) The ensuing surge in labor supply increased unemployment and magnified the effects of Europe's recession in Germany. (Frank, 2009, 3) By the time of the Bosnian crisis in 1992, Germany had already taken tens of thousands of Slovenes and Croats fleeing the violence caused by Slovenian and Croatian secessions in 1991. (Stets, 1992)

With a struggling economy and an increase in migrant populations, the historical formula for xenophobia, social unrest grew and far right wing movements quickly rose in Germany. As New York Times columnist Craig Whitney noted, socioeconomic divisions and lowered standards of living in Austria "have been felt on a larger scale in Germany, where an esti-

mated half a million asylum-seekers and half as many war refugees from the Balkans have streamed into the country and caused a right-wing backlash.” (Whitney, 1992) He stated that while Austria witnessed right-wing backlash, it “included little of the neo-Nazi violence against foreigners that has afflicted its larger neighbor.” (Whitney, 1992) Right wing gangs attacked and set fire to migrant residences, and many East German residents affected by unemployment rates of 50 to 70% supported their violent actions. (Woodward, 1995, 368) Facing international criticism¹ (Kinzer, 1992) (including from Austria, which blamed Germany’s closed borders for creating an accumulation of refugees in Austria), as well as domestic criticism (which came mainly from church groups as well as ProAsyl – a pro-immigrant NGO which entered the political sphere during this time by involving itself in parliamentary de-

bates), Germany slowly opened its borders to Bosnian refugees. The government began easing visa restrictions and prioritizing the entry of the sick and wounded as well as those with support networks already in place in Germany. (Stets, 1992) Concurrently, however, the German Parliament was working on amending article 16 of the constitution—in effect presaging the EU Dublin Agreement of 1997—which would restrict asylum requests in Germany to those arriving directly from an unsafe country (those who arrived indirectly, as the majority of Bosnians, would be ineligible for asylum and subject to deportation). (Halibronner, 1994, 159) While it appeared to open its borders, Germany was still enforcing exclusionary asylum policies, so the majority of the new Bosnians it allowed in the country would not be accepted as legal refugees and would instead be offered “temporary protection.”

Temporary Protection Status in German and Austrian Refugee Policies

“Temporary protection” or TPS (Temporary Protection Status) was the main way in which European states chose to handle the Bosnian crisis. As international relations professor Barbara Franz argues, TPS “resulted directly from attempts to limit the scope and accessibility of the 1951 Convention for Bosnian refugees,” in order to minimize and bypass the responsibility states had towards refugees. (Franz, 2010, 29) Bypassing the asylum process for these refugees by according them TPS reduced the financial burden on the state by denying asylum-seekers entitlement to certain financial and social services that would otherwise have been accorded to them as refugees under the 1951 Convention definition. (Franz, 2005, 60) At the same time,

TPS satisfied public opinion and international criticism concerned about human rights, by offering refugees basic protection and residence rights, albeit on a temporary basis. While TPS was a common starting point for both Germany and Austria, the distinct ways in which it was imagined and implemented in each country can explain in part the different results of massive repatriation occurring in Germany and not in Austria. When “temporary protection” for Bosnians was declared to have ended by UNHCR leader Sadako Ogata in 1997, Germany interpreted it as a green light for their massive repatriation effort. For Austria, on the other hand, this marked an official acceptance of the permanent residency status of refugees who were initially

¹UNHCR leader Sadako Ogata appealed to the German public in an op-ed on the front page of *Die Zeit*, Germany’s most popular intellectual weekly journal: “Little Malawi, a barren African country with eight million inhabitants, sheltered nearly one million people during the war in Mozambique [...] Bangladesh, one of the poorest countries in the world, has opened its doors to 300,000 people who have fled from Burma. Does Europe have less to share than these countries?” (Kinzer, 1992)

offered "temporary protection." (Koser & Black, 1999, 528)

One explanation as to why TPS was implemented differently in Germany than in Austria relates to the composition of the two governments. As was previously mentioned, Austria and Germany are both federal republics with strong parliaments. Germany however, has a decentralized political system, which gives individual states greater power in determining their own policies. The sixteen states, for example, have legal power and authority over refugee affairs. (Walsh, 1992) Because of this decentralized nature, it has been argued that interest groups and domestic third parties have a greater ability to intervene in and influence state-level politics, which becomes more responsive and receptive to third party pressure than national level politics. (Karapin, 2007, 33-35) This thus explains the lack of a coherent policy regarding Bosnian refugee TPS status not only at the federal level, but also on the state level, which adopted various stances regarding the timeline for repatriation.

The German states thus became split along geographical and political lines regarding repatriation, and their positions also reflected the effect of third party interest group activities. Schleswig-Holstein, the northernmost German state, strongly advocated for slowing refugee repatriation, while the southernmost state of Bavaria sought to speed up the process of repatriation. The debate sparked an essential question for the "temporary protection" policy. How long is "temporary"? Did this "temporary" obligation to protect end with the signing of the Dayton Peace Accords in 1995 officially ending the Bosnia-Herzegovina war? Or was it after the first Bosnian-Herzegovinan elections were held in 1996, indicating that the country was politically stable (if still corrupt)? For Alwin Zeil, the interior minister for Brandenburg and a proponent of rapid repatriation: "we consider the civil war situation in Bosnia-Herzegovina to have ended, with the signing of the peace treaty." (Walsh,

1992)

On September 20th 1996, the German federal and state interior ministers announced that starting on October 1st, the 320,000 Bosnians in the country should begin to return to their homes. (Cowell, 1996) The statement also clarified that each state would set the start time for its own repatriation programs. (Bagshaw, 1997, 579) Even though the UNHCR spokesperson Christiane Berthiaume emphasized in 1996 that conditions in Bosnia were still not appropriate or safe for forced return after the elections, the German states of Bavaria and Baden-Wuttemberg (controlled by or allied to the Christian Democratic government of Chancellor Lohl in power) immediately began "forcibly repatriating" Bosnians after October 1st. (Walker, 2010, 66) These German states could be seen as expressing the "partialist" response to refugees theorized by Walzer. (Walzer, 1983) This analysis emphasizes the idea that individual states (in this case local states that constitute the German nation) have a right to determine whether they are able to take refugees or not and that state responsibility to outsiders is secondary to the protection of one's own culture. This latter theme was also discussed by conservative and right-wing parties who were accused in the press as being Islamophobic by rejecting the presence of Muslim Bosnians and emphasizing a singular Christian nature of Germany. (Stets, 1992)

For the states that delayed repatriation, there were a variety of factors that explain their position. Some were under the influence of liberal Social Democrats who deplored the "shameful" acts of the conservative Christian Democrats and sought to politically distinguish themselves by declaring that repatriation should "be conducted with moderation. A large percentage of them cannot yet return to their homes." (Walker, 2010, 68) Most states that adopted these positions controlled areas in which the highest Bosnian refugee populations were located, such as North Rhine-Westphalia. (Eggleston, 1996) Addi-

tionally, pro-migrant groups of Pro-Asyl combined forces with local churches and were best organized in these areas of high-Bosnian concentration to petition for delayed repatriation and more comprehensive rights. Despite the extremely high cost of supporting such large populations of Bosnian refugees, the delayed repatriation stance of these states is at least in part a testament to the force of the pro-migrant activist groups, which effectively lobbied the state governments and appealed to the German public by hosting mass candlelight vigils and public demonstrations after the September declaration. (Walsh, 1992)

While in Germany, state understandings and reactions to TPS widely varied, Austria's centralized federal system allowed for a more unified position on the issue. Since the federal government invariably exerted more power over the states, the Austrian policy regarding TPS was less amenable to local state opposition. An examination of the actors in power on the federal level that developed the TPS policy reveals a liberal-leaning Austrian parliament in power during the crisis. Elected in 1990, the parliament consisted of largely liberal SPD (Social Democratic Party) members. Additionally, the Austrian President Thomas Klestil was elected in 1992 by the Conservative People's Party but distanced himself from the party line as he pursued more policies in line with the SPD during his presidency, including immigration issues. (The Associated Press, 2004) These factors partially explain the apparent paradox of the low Bosnian repatriation rates despite the presence of far-right parties and popular xenophobia sentiments.

Initially, Bosnians arriving in Austria covered under TPS were considered de-facto refugees, but denied the right to work or travel freely in the country. (Franz, 2005, 48) In the spring of 1992, however, the Austrian Ministry of the Interior (which was led by Franz Löschneck of the Austrian Socialist Party and liberally dominated) developed the Bund-Länder Aktion (Federal-Provincial Plan), which was designed as

an immediate relief program for displaced Bosnians, providing food, shelter, health care, and welfare, regulated by each Austrian *länder*. (Franz, 2005, 50-51) This plan, which impacted over 91,000 Bosnians in Austria, also opened the labor market for Bosnians and granted them a limited right of residence for those who were not able to find refuge in another country. (Franz, 2010, 60) This right of residence was continuously extended from the initial end date of June 30th 1994, to eventually July 31st 1998. (Franz, 2005, 51) Beginning in 1994, the new Minister of Interior, Caspar Einem, (a Social Democrat) pushed for reform of the 1992 Aliens Act and Residence Act. He emphasized the need to empower the Federal Aliens Police (instead of the local police who proved to be distributing temporary residence titles arbitrarily), and to focus on means of promoting "legal integration" of refugees under TPS. (Kraler, 2011, 34-5) While Parliamentary proposals to reform the law in 1994 and 1996 failed as a result of severe right-wing resistance, the 1997 Aliens Act as desired by Einem was finally passed. (Kraler, 2011, 34)

By 1998, Bosnians had been successfully integrated into Austrian society both economically and socially as a result of this program; the Austrian Ministry of Interior estimated 65,000 Bosnians had been incorporated into the labor market by 1998. (Franz, 2005, 49) (Valenta, 2011, 11-12) Following in the spirit of pursuing "integration before new immigration," the Austrian parliament passed the *Bosniergesetz* (Bosnians Law), which essentially upgraded the de-facto refugee status of Bosnians under TPS to a status of permanent residence. (Kraler, 2011, 34) This in effect allowed for what was so fervently opposed by the creation of TPS at the beginning of the conflict. The proposal allowed for refugees who were admitted under TPS to obtain a permanent residence permit that was conditional upon proof of regular employment, private living and accommodations, and a clean criminal record. (Koser & Black, 1999, 541) In essence, this tran-

sition maintained somewhat the spirit of TPS by allowing the state to select those who would be granted permanent residence and thus could become Austrian citizens (after eight years of continuous residence), which it would not otherwise been able to have implemented had the Bosnians been accepted under Conventional 1951 refugee status. (Koser & Black, 1999, 529)

These liberal reforms, however, were not implemented without right-wing resistance. As previously mentioned, the Freedom Party and other conservative elements prevented significant reform of the Aliens and Residence Act until 1997. Prior to this, in 1992, Jörg Haider, the leader of the Freedom Party (conservative right-wing), launched a petition for a national referendum entitled "Austria First!" where Austrians would vote on a 12-point plan to end foreign immigration and keep the proportion of foreign children in public schools below 30%. The petition failed miserably in 1993 and resulted in a parliamentary alienation of the FPO and the creation of a new party (the Liberal Forum) from prominent FPO members who left in protest. (Wodak & Pelinka, 2002) While the FPO maintained a consistently large public support of around 25% for their anti-immigration policies, they were never able to implement their platform goals of ceasing immigration in Parliament. The most pressure they were able to exert on the government resulted in a 1992 law that would make asylum less accessible to economic immigrants from Eastern Europe and tightened borders with Hungary. (Whitney, 1992) Thus while the right-wing was publicly vocal about its anti-immigrant stance and mustered a popular backing, the Social Democrat majority in Parliament wielded the real power and ability to influence Austrian border controls and implementation of TPS, which resulted in the legal recognition of Bosnians as permanent residents.

While other European governments

that applied TPS to Bosnian refugees followed the Austrian trend of transitioning their status into permanent residents, Germany was the only country that maintained its position on the temporary nature of Bosnian refugee protection. (Koser & Black, 1999, 524) The issuance of TPS for Bosnians did generate a debate amongst German states and the federal government, yet it only pertained to the question of when it was appropriate to repatriate the Bosnian refugees. During the discussions, there was never a significant challenge posed to the fundamental baseline stance that Bosnians would eventually have to return home. During the 1994 election season, for example, many candidates appealed to voters' concerns by emphasizing the principle that Yugoslavian refugees would not be able to permanently remain in Germany. (Whitney, 1994)

Since there was no change in mentality regarding the temporary stay of the Bosnian migrants in Germany, there were no efforts made by the government to integrate Bosnian populations into German society as there was in Austria with the reform of the Residence Act in 1997 and the Bosnians Law of 1998, which heavily emphasized and promoted Bosnian integration. The German government's form of TPS included two different permits: "Dudlung" and "Aufenthaltsbefungis." (Koser & Black, 1999, 528) "Dudlung," which translates to "toleration" is as one Bosnian refugee described it "a permanent state of suffering." (Schneider, 2013) Bosnians with "dudlung" status were prevented from working or attending school and in a legal state of "temporary suspension of deportation."² (Lohre, 2009) (Luebben, 2003) Bosnians with "aufenthaltsbefungis" status, or temporary residence permits, were assigned residence by the federal government and their freedom of movement was restricted. (Lohre, 2009) As Los Angeles Times columnist Mary Walsh reported, "Bosnians lead lives of near-invisibility

²For a comprehensive analysis on how living in legal limbo added to the psychological trauma of Bosnian refugees in Germany see (Luebben, 2003).

here, separated from the mainstream in hostels, socializing at their own coffee-houses, reading their own newspapers in their own language.” (Walsh, 1992)

With no government-sponsored economic or social integration incentives for Bosnians who were largely kept inactive, xenophobic clashes in Germany persisted as Bosnians even began to be perceived by many non-right-wing Germans as a liability and a burden. As Barbara John, Commissioner for Foreigners in Berlin noted in 1995, “It hasn’t become a movement yet, but I think the majority has the idea that Bosnians should go home as soon as possible, because the German taxpayer has to pay so much money.” (Walsh, 1992) The social welfare provided to refugees was indeed very costly to the German state and federal governments. The German welfare package was better than that provided by the Austrians as it was of the same quality as the welfare received by German citizens. (Walsh, 1992) Costing an estimated \$7 billion a year to provide for a welfare payment of \$380 per month for each Bosnian adult and \$190 per month for each Bosnian child in addition to the necessary housing and medical costs, Bosnian presence in Germany was expensive to maintain, especially during times of economic hardship. (Walsh, 1992)

While the federal government maintained a policy of voluntary return, more German states were deciding to forcibly repatriate Bosnian refugees (though not all agreed on when it would be appropriate to do so). By the end of the 1990s, Germany thus repatriated 347,419 individuals to Bosnia, almost 70% of total Bosnian repatriations in Europe. (Franz, 2010, 51) criticism³ Ultimately, both Austria and Germany adopted a “humanitarianist” ap-

proach to accepting refugees. As Gibney articulates, states have an obligation to assist refugees if it does not pose an undue burden (as it was financially in Germany), and must learn to balance moral justification and citizen interest, which in both Germany and Austria included strong pro-migrant and anti-migrant activists and popular sentiment. (Gibney, 1999, 75) Both countries thus adopted restrictive and liberal policies regarding Bosnian refugee entry and legal status, but ultimately chose one over the other in accordance with their respective political frameworks.

Germany had hoped that admitting Bosnian refugees under shared European TPS policies would mean burden sharing, but it clearly did not as each country interpreted TPS differently and 85% of all Bosnians in the EU were contained in three countries: Germany (with over 60% of Bosnians), Austria (at 15%), and Sweden (at 10%). (Koser & Black, 1999, 524) Additionally, German attempts to introduce legislation in the European Community, which would oblige each of the twelve members to accept more Yugoslavian refugees failed to pass. (Kinzer, 1992) While the “temporary protection” regime in Europe was celebrated by the UN as the first step towards a consolidation of European asylum policies, its discordant implementations showed that Europe still faced many hurdles in its path towards the ideal goal of the European Union. (Koser & Black, 1999, 523) Since the Bosnian crisis, there have been more concerted efforts to coordinate migration and asylum policies with the Dublin Regulation of 1997 in which the first state through which an asylum seeker entered is the only one able to process their asylum application. Ultimately, individual member states have retained their own individual asylum laws.

Applications for the Current Syrian Crisis

Both the Bosnian and the current Syrian crises have highlighted the weaknesses

of European asylum policies. While the

³see (Valenta & Strabac, 2013) Figure 3 for a relative comparison of European repatriation rates

Bosnian crisis highlighted the lack of a coherent European structure regarding asylum and empowered the creation of the Dublin Regulation by preventing refugees from “asylum-shopping” from country to country, the Syrian crisis has challenged this very legislation by demonstrating the burden it places on peripheral states of the EU who have received unprecedented amounts of refugees at their borders. These two cases raise the question of how to create a coherent asylum policy that would satisfy all member states and share the burden equitably. Inherent to this question is the basic notion of whether or not states have shared obligations and responsibilities as collective entities.

The German history of TPS and massive Bosnian repatriation should not be repeated with the Syrians, as depriving refugees of work and school rights while waiting for the violence to end proved to be unsuccessful. This policy was disastrous not only for the psychological well-being of the refugees, but also for discouraging integration and exacerbating xenophobic and

social tensions while depleting state welfare funds.

Moreover, the ethical implications of repatriation and its timing must also be heavily weighted regarding the status of Syrian refugees in Europe. Germany’s extensive repatriation policy created minority enclaves in Bosnia and Herzegovina and increased the internally displaced population in Bosnia, which did not help to rebuild and stabilize the war-torn country. (Franz, 2010, 51) The early Austrian model of handling Bosnian refugees was by no means ideal in the sense that it was also exclusionary and initially deprived Bosnians of basic rights. However, the evolution of TPS to finally integrate refugees and recognize them as legal permanent residents and ultimately compatriots is worthy of emulation in the Syrian case. Ultimately, the European Union and the international community will have to develop an ideally coherent response to the unique Syrian crisis, keeping in mind the successes and failures of the Bosnian experience in Germany and Austria.

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